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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,248	03/30/2001	Kazuyuki Seki	205381US2	7128
22850	7590	11/22/2005	EXAMINER	
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			YE, LIN	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,248

Applicant(s)

SEKI ET AL.

Examiner

Lin Ye

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 51-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 51-57 is/are rejected.
- 7) ☒ Claim(s) 51-59 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to the amended claims 51-57 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claims 51-59 objected to because of the following informalities:

For claims 51-58 recites the limitation "**the** screen of **said** display device" in lines 4-5.

There is insufficient antecedent basis for this limitation in the claims.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 51-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al.

U.S. Patent 5, 633,678 in view of Matsumoto et al. U.S Publication 2003/0123696.

Referring to claim 51, the Parulski reference discloses in Figures 5-7, a recording medium (firmware memory 32a in the memory section 31, see Col. 5, lines 32-51) for storing a program executed by a computer (host computer) on an image input apparatus (camera) thereto through a transmission line (cable), the program comprising (See Figure 5, step 70-71): creating an image capture guide list (category) which is displayed on a screen of a display device (LCD 30, see Col. 6, lines 17-20) for said image input apparatus, and includes at least one of image titles that represent targets to be recorded and are used for shooting (e.g., creating categories can be considered as creating an image capture guide list, because user can select one or more categories as capture guide list for a plurality of images prior to capture, and the captured digital image data corresponding to the particular category selected by the user. The categories include one of image names as image titles, See, Figures 7, Col. 7, lines 23-44); and wherein the creating includes reading out the image capture date and time information from said image input apparatus connected to said computer and creating the image capture guide list as shown in Figure 8. However, the Parulski reference does not explicitly show the creating also includes reading out a manufacture's model identifier from said image input apparatus connected to said computer and creating the image capture guide list adequate for the model.

The Matsumoto reference teaches in Figures 1-3 and 7, an image processing apparatus for creating an image capture guide list (image file directory) which is displayed on a screen of a display device and includes any attribute information from the image input apparatus (77), such as image titles (see page 2, [0051], a manufacture's model identifier (camera model or camera manufacturing number, see page 3, [0071], lines 10-12), etc.. The Matsumoto

reference is evidence that one of ordinary skill in the art at the time to see more advantages for having more flexible options to create an image capture guide list includes any attribute information from the image input apparatus (77), such as image titles, a manufacture's model identifier, etc., so that allowing user visually select any desired information corresponding to the captured image easily (See pag1, [0008]-[0009]). For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the system of Parulski ('678) by providing the creating also includes reading out a manufacture's model identifier from said image input apparatus connected to said computer and creating the image capture guide list adequate for the model as taught by Matsumoto ('696).

Referring to claim 52, the Parulski and Matsumoto references disclose all subject matter as discussed in respected to claim 51, and the Matsumoto reference discloses wherein creating the image capture guide list includes reading out the manufacturer's model information from the header of the recorded file stored in said image input apparatus (e.g., all the information are read from the attribution information of the recorded file considered as the headers of the recorded file, such as attributes 21-34, see pages 2-3, [0046]-[0071]) and creating the image capture guide list adequate for the model.

5. Claim 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. U.S. Patent 5, 633,678 in view of Matsumoto et al. U.S Publication 2003/0123696 and Endsley et al. U.S Patent 6,005,613.

Referring to claim 53, the Parulski and Matsumoto reference discloses all subject matter as discussed in respected to claim 51, except that Matsumoto reference does not explicitly

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show creating the image capture guide list adequate for each model using a table instead of a directory in which model ability information for each model of plural image input apparatuses is registered (e.g., the tenth attribution 34 of the Matsumoto reference) with respect to each of a plurality of manufacture's model identifiers.

The Endsley reference teaches in Figures 1-3, the computer (12) is connected to a camera (10); the computer creating the image capture guide list adequate for each model using a table in which model ability information (e.g., crop values, integration time, and Number of bits per sample, etc.) for each model of plural image input apparatuses is registered as shown in Table 2 and 3 (See Col. 7, lines 26-43). The Endsley and Matsumoto references are evidence that one of ordinary skill in the art at the time to see more advantages for the system has more flexible options to either using a directory or table structure to create a image capture guide list for visually displaying to user. For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the system of Parulski ('678) by providing using a table instead of a directory in which model ability information for each model of plural image input apparatuses is registered with respect to each of a plurality of manufacture's model identifiers as taught by Endsley ('613).

6. Claim 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. U.S. Patent 5, 633,678 in view of Miyata U.S Publication 2005/0181774.

Referring to claim 54, the Parulski reference discloses in Figures 5-7, a recording medium (firmware memory 32a in the memory section 31, see Col. 5, lines 32-51) for storing a program executed by a computer (host computer) on an image input apparatus (camera)

thereto through a transmission line (cable), the program comprising (See Figure 5, step 70-71): creating an image capture guide list (category) which is displayed on a screen of a display device (LCD 30, see Col. 6, lines 17-20) for said image input apparatus, and includes at least one of image titles that represent targets to be recorded and are used for shooting (e.g., creating categories can be considered as creating an image capture guide list, because user can select one or more categories as capture guide list for a plurality of images prior to capture, and the captured digital image data corresponding to the particular category selected by the user. The categories include one of image names as image titles, See, Figures 7, Col. 7, lines 23-44); and wherein the creating includes displaying a input screen consisting of a plurality of cells (of one dimensional array of categories list); inputting an image title in one of the cells on the input screen; specifying at least one of the cell positions where image titles have been input; and creating an image capture guide list including the image title(s) on the specified cell position(s) as shown in Figures 7 and 10. However, the Parulski reference does not explicitly show the input screen is a spreadsheet input screen consisting of a plurality of cells (e.g., two dimensional array cells).

The Miyata reference teaches in Figures 1, 2(e) and 3, an image input apparatus (7) connects a computer (control unit 1) thereto through a transmission line (See page 2, [0031]), a display unit (2) displaying a spreadsheet input screen consisting of a plurality of cells (two dimensional cells as 3x3 matrix, each captured image is pasted in the individual cell on the display, see page 2, [0032]); inputting an image title in one of the cells on the input screen (e.g., create a title image P5 and assigned a title, such as "tennis circle" in one of the cells on the input screen, see page 3, [0038]-[0039]); specifying at least one of the cell positions

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where image titles have been input as shown Figure 2). The Miyata reference is evidence that one of ordinary skill in the art at the time to see more advantages for the system creating a image capture guide list (menu of the images associated with image title) includes displaying a spreadsheet input screen consisting of a plurality of cells so that the two dimensional display screen can efficiently display more desired image information for user easily and quickly selecting (See page 1, 0006]-[0007]). For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the system of Parulski ('678) by providing a spreadsheet input screen consisting of a plurality of cells as taught by Miyata ('774).

7. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. U.S. Patent 5, 633,678 in view of Miyata U.S Publication 2005/0181774 and Matsumoto et al. U.S Publication 2003/0123696.

Referring to claim 55, the Parulski, Miyata and Matsumoto references disclose all subject matter as discussed in respected to claims 51 and 54, and the Matsumoto reference discloses a screen consisting a plurality of cells (attributes) including a image title (third attribute 22, see page 2, [0051]) and a shooting instruction item (information setting of the camera, see page3, lines 14-20) for this image title in respective cells on the input screen as shown in Figures 2 and 3.

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8. Claims 56 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Parulski et al. U.S. Patent 5, 633,678 in view of Miyata U.S Publication 2005/0181774 and Kiyan et al. U.S. Patent 5,970,506.

Referring to claim 56, the Parulski and Miyata references disclose all subject matter as discussed in respected to claims 54. However, the Parulski reference does not explicitly show changing the size of at least a part of the cells on the input screen.

The Kiyan reference teaches in Figure 2-5, when a spreadsheet is displayed in displayed section and spreadsheet calculation is to be executed, the spreadsheet calculation determining a cell to be displayed in the fixed state and cells to be displayed as variable according a size of a display screen (see page 5, lines 25-48). The Kiyan reference is evidence that one of ordinary skill in the art at the time to see more advantages for the system changing the size of at least a part of the cells on the spreadsheet input screen so that the cells are accommodated in the display range (See Col.2, lines 23-33). For that reason, it would have been obvious to one of ordinary skill in the art at the time to modify the system of Parulski ('678) by changing the size of at least a part of the cells on the input screen as taught by Kiyan ('506).

Referring to claim 57, the Parulski, Miyata and Kiyan references disclose all subject matter as discussed in respected with same comments to claims 54 and 56.

Allowable Subject Matter

9. Claims 58-59 would be allowable if rewritten or amended to overcome ***Claim Objections***, set forth in this Office action.

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The prior art does not teach or fairly suggest displaying a spreadsheet type input screen consisting of a plurality of cells; and displaying an image title in the image capture guide list in one of the cells, reading out the size of a target cell in which the image recorded for the image title is to be pasted, changing the size of the recorded image to the size of the read-out cell, and pasting the recorded image in the target cell, used in combination with all of the other limitations of the claim 58.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lin Ye whose telephone number is (571) 272-7372. The examiner can normally be reached on Mon-Fri 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Lin Ye
Examiner
Art Unit 2615

November 15, 2005